

CLERK OF COURTS
HAMILTON COUNTY, OH
COMMON PLEAS

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2022 JAN 11

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO



D133804409

FILED

CITY OF CINCINNATI,

PLAINTIFF

CASE NO. A1905598

EXHIBIT

H

V

(JUDGE WENDE C. CROSS)

JOHN KLOSTERMAN, MOTION TO DISMISS CASE,
DEFENDANT ANSWER CITY MOTION TO
DISMISS.

NOW COMES DEFENDANT, WHO NOW WITH THE NEW INFORMATION REPORTED BY THE CINCINNATI ENQUIRE THE RECENT CHARGES THAT THE U.S. GOVERNMENT AFTER THE FBI INVESTIGATED THE PPP AND PUA FRAUD AGAINST JOSEPH LENTINE, ANGEL STRUNK AND KEITH LEE. THE ARREST OF THOSE PERSONS VALIDATES DEFENDANT'S ALLEGATIONS IN APRIL 2020. TRISTATE ORGANIZATION, INC. IS A FAKE COMPANY AS DEFENDANT ALLEGED AND FOUND PROOF. AND REPORTED IT VIA E-MAIL TO RICHARD BOYDSTON.

DEFENDANT ALLEGES THAT BOTH THE CITY OF CINCINNATI AND MORE DIRECTLY RICHARD BOYDSTON HAD DIRECT AND SPECIFIC KNOWLEDGE THAT JOSEPH LENTINE AND NOW HIS CO-DEFENDANT ANGEL STRUNK WERE "COOKING THE BOOKS" TO GAIN MONIES FROM THE PPP AND PUA FUNDS, PROGRAMS UNDER THE CARES ACT.

THEREFORE, DEFENDANT WITH THE EXHIBITS AS PROOF FOR CAUSE ASK THIS HONORABLE COURT TO DISMISS THIS CASE WITH PREJUDICE AND ORDER EXHIBITS TO BE ORDERED.

OVERVIEW

AT THE START THE CASE WAS SIMPLE: JUDGEMENT - GOT THE COURT ORDER RECEIVER; HIRE A MANAGEMENT COMPANY; READY THE PROPERTIES FOR SALE; SALE THEM; DONE.

THE FACTS IN THE EXHIBIT FURTHER SHOW THE COURT THAT THE DEFENDANT HAS SUFFICIENT CAUSE TO SEEK THE DISMISSAL OF THE CASE AGAINST DEFENDANT.

THE WHEELS STARTED TO FALL OFF IN APRIL 2020 WHEN DEFENDANT WITH 40 YEARS OF BOTH DEVELOPING ACCOUNTING SOFTWARE IN THE LATE 1980'S FOUND THE 2ND MANAGEMENT REPORT WITH NO PROMISED ACCOUNTING REPORTS, NO JOB COSTING, BALANCE SHEETS, AR, PR, AP. SIMPLE TO INPUT INTO "QUICKBOOKS" THAT RECEIVER AND DEFENDANT AGREED UPON TO TRACK PROGRESS. DEFENDANT PAID FOR THE PACKAGE AND PAID ANGEL STRUNK TO SET IT UP. THEY ASKING WHY IT WAS NOT BEING USED. "JOE DID NOT WANT TO USE IT" WAS THE REPLY FROM MS. STRUNK.

DEFENDANT RAISED THE "RED FLAGS" ON MULTIPLE E-MAILS AND PHONE CALLS. NO REPLYS ON ANY OF THE (10) E-MAILS DEFENDANT AND OBLIVICATION ON THE PHONE. NO ACCOUNTING REPORTS, NO ADJUSTMENTS, NO BALANCE SHEETS, NO BANK STATEMENTS. WITH EYES WIDE OPEN THESE REPORTS PASSED THE HANDS OF THE EXPERIENCED PERSONELL IN THE CITY OF CINCINNATI FOR NOW 22 MONTHS. THE CITY OF CINCINNATI IS THE RESPONSIBLE PARTY FOR THE ACTIONS OF ALL ITS AGENTS.

THE CITY OF CINCINNATI AND RICHARD BOYDSTON FAILED TO ACT. THEY EACH COULD HAVE VOICED CONCERN TO EACH OTHER ABOUT TSO's ACTIONS. THEY COULD HAVE STEPPED BACK DID A "THINK AGAIN," MADE ADJUSTMENTS, (IE FIRE TSO AS DEFENDANT DEMANDED OF MR. BOYDSTON) AND MOVED ON. THEY BOTH FAILED TO "EXECUTE."

WHY? IT WAS EASIER. KEEP DEFENDANT AT BAY, AND EXECUTE THE DEFENDANT AT ALL COSTS, AND UP UNTIL THE ARREST OF JOSEPH LENTINE, ANGEL STRUNK AND KEITH LEE, IT WAS A WELL PLANNED AND EXECUTED PROGRAM. AND IF SUCCESSFUL THE CITY AND RICHARD BOYDSTON WOULD DANCE TO AN UNDESERVED PAYDAY.

THE POLITICAL "NOISE" GAVE EACH OF THE PARTIES "COVER". THE FEDERAL CASE EVEN THOUGH SETTLED, WITH DEFENDANT PAYING \$17,500.00 IN FINES AND HAVE A MANAGER MANAGE DEFENDANT'S PROPERTIES. DONE.

ANGEL STRUNK AND JOE LENTINE, THE MASTER MIND QUICKLY CONSTRUCTED THE STALKING HORSE AGAINST DEFENDANT. (THE CASE: CRB/21168 IS ON APPEAL) THIS ARREST IS THE LAST PIECE OF THE PUZZLE AND IT SHOULD BE IN PLACE SOON. THE FRAUD THAT DEFENDANT REPORTED TO OJFS AND REPORTED HER TO HER PREVIOUS BOSS STARTED THE NIGHTMARE THAT WILL END SOON.

ANGEL STRUNK COLLECTED NEARLY \$75,000 IN ILLEGAL FUNDS WHILE SUPPOSEDLY WORKING FULL TIME ON BEING THE "OFFICE MANAGER" IF SHE WORKED 1 1/2 HRS. A DAY ON DEFENDANT'S PROPERTIES AND TENANT ISSUES, THAT WOULD BE HIGH. 90% OF HER PAY WAS WORKING FOR OTHERS TO DEFRAUD THE GOVERNMENT.

WHY DID IT COME TO WHERE PEOPLE HAD THE TIME TO CHANGE WHAT CLEARLY WAS CORPORATE FRAUD, ACCOUNTING FRAUD, BANKING AND WIRE FRAUD (KNOWN BY THE CITY AND THE RECEIVER VIA EMAILS AND MOTIONS TO THIS COURT)

DEFENDANT CAN ONLY THINK OF TWO REASONS:
FEAR AND GREED.

WHY SHOULD THIS HONORABLE COURT HAVE A
CASE SO SIMPLE AT THE START, NOW TOSSED IN YOUR
HONOR'S COURT THAT IS SO COMPLICATED IF ONE
MUST START AT THE BEGINNING TO MAKE THE CORRECT
RULING, WHEN IF LEADERSHIP WAS PRESENT THIS
CASE WOULD HAVE NEVER BEEN PRESENTED TO THIS
COURT.

PRAY THIS COURT DISMISSES.

EXHIBITS A, B, C, D

RESPECTFULLY Submitted

John Hosterman

61732946

900 Sycamore

Cincinnati, Ohio

45202

Datum Hosterman
John Hosterman

DECEMBER 26, 2021

CASE NO. A1905588

EXHIBIT A

DEFENDANT CAUSES TO REMOVE RICHARD BOYDSTON AND HIS RECEIVER KONZA, LLC.

1. DEFENDANT ASKED MULTIPLE TIMES IN E-MAILS AND MOTIONS TO THIS COURT FOR THE "PLAN AND BUDGET GOING FORWARD AND PROMISED MARCH OR APRIL 2020. THE REPORT WAS REQUIRED BY THE CITY OF CINCINNATI AND THE COURT. NONE WERE RECEIVED BY DEFENDANT.

SO, WITH NO BUDGET OR PLAN THE PROJECT HAD NO DIRECTION, BUT HAD SUFFICIENT FUNDS FROM CURRENT RENTS TO GET 5 "FLIPS" COMPLETED AND 2 RE-HABBS READY TO SELL. THE 2ND REPORT FROM TSO SAID IT ALL.

FRAUD WAS UNDERWAY.

MR. BOYDSTON VISITED EARLY ON BUT MADE NO ADJUSTMENTS. DEFENDANT ASKED IF I COULD FIRE JOSEPH LENTINE. "NO" WAS THE REPLY.

2. RICHARD BOYDSTON ALLOWED OVER \$15,000.⁰⁰ IN TOOLS AND NEW EQUIPMENT TO BE PURCHASED. IN ADDITION, I WAS SURPRISED TO SEE ON A REPORT THAT TSO HAD PURCHASED A FORD F 250 TRUCK FOR \$5,500.⁰⁰. LENTINE LIED THAT HE PURCHASED THE TRUCK, IN FACT HE PURCHASED

CASE # A1905588

EXHIBIT A

2. CONT. PARTS AND SUPPLIES WERE BILLED TO DEFENDANT TO "FIX" THE TRUCK, RECORDS SHOW, AND THEN TSO WHO OWNED THE OLD FORD F250 TRUCK "SOLD" THE TRUCK TO RECEIVER, BUT STATED THAT HE JOE LENTINE "PURCHASED" THE TRUCK FOR \$5,500.00. THE VALUE WAS UNDER \$2000.00 MR. BOYDSTON DID NOT APPROVE THE PURCHASE BUT SAID NOTHING WHEN DEFENDANT QUESTIONED THAT AND ALL THE TOOLS TO START A BUSINESS.

FRAUDULANT TRANSACTION AND NOTHING DONE TO CORRECT IT.

3. MR. BOYDSTON WAS ORDERED BY MABISTRATE ANITA BERDING TO ALLOW THE DEFENDANT TO REVIEW THE "BUSINESS RECORDS" OF TSO. A WEEK LATER DEFENDANT'S AGENTS (2) ARRIVED AT THE OFFICES OF TSO. MR. BOYDSTON HAD ON A TABLE A MILK CRATE WHERE THE RECORDS WERE. THE 1ST TWO REQUESTS WERE DENIED ONE WAS FOR THE BANK STATEMENTS AND THE 2ND ONE WAS FOR THE PAYROLL RECORDS AFTER THE 3RD REQUEST TO VIEW RECEIPTS FROM HOME DEPOT, MR. BOYDSTON POLITELY DECLINED STATING IT WOULD TAKE TOO MUCH TIME, AND OFFER TO MAKE COPIES OF THE RECORDS. ONLY 60% OF RECORDS OF INVOICES WERE COPIED.

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EXHIBIT A

3. NO BANK STATEMENTS WERE DELIVERED.
THERE WERE NO PR RECORDS, ACCOUNTS PAYABLE, AR,
OR BALANCE SHEETS. NO LEASES, NO TRUCK TITLE.
AND WHEN WE TRIED TO RECONCILE WITH THE
REPORTED SPENDING 35% OF THE INVOICES WERE
MISSING.

DEFENDANT FILED WITH THIS COURT OF THE
MISSING DOCUMENTS, BUT THEY WERE NEVER PRODUCED.
IN FACT MAGISTRATE ANITA BERDING STATED IN COURT
THAT THERE WAS DEFENDANT'S MOTION TO REMOVE
RECEIVER 8 MONTHS AGO THAT HAD NOT BEEN RULED
ON BY YOUR HONOR.

MR. BOYDSTON, WHEN ASKED IN COURT WHETHER
HE WOULD TURN OVER RECORDS? NO REPLY, DEFENDANT
ASKED A 2ND TIME, NO REPLY MR. BOYDSTON WAS
INVOLVED IN A "COVER UP." WE NOW KNOW, WHEN HE KNEW.
FRAUD! HE SHOULD BE REMOVED.

4. MR. BOYDSON PURCHASED LIABILITY INSURANCE
FOR SUBCONTRACTORS WORKING FOR TSO! DEFENDANT
HAS THE POLICY (COPY) THE 1099 CONTRACTORS
WERE REALLY EMPLOYEES OF TSO. IT WAS A
FRAUDULANT APPLICATION AND POLICY. MR. BOYDSTON
WAS PROVIDING "COVER" FOR LENTINE.

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EXHIBIT B

DEFENDANT CAUSES TO DISMISS
CITY CASE AGAINST DEFENDANT

1. THE CITY OF CINCINNATI WAS AWARE THAT DEFENDANTS FUNDS WERE BEING USED EVERY MONTH TO KEEP THE SIDEWALKS AND GRASS ON CURBS, CLEAN PAPER, TRASH, AND ANY GRASS WAS PICKED UP, CURBS MAINTAINED.

IN ADDITION THE ENTRANCE AREA GRASS WAS ALSO CUT, WHICH WAS THE CITY'S RESPONSIBILITY TO MAINTAIN. 2 PEOPLE AND AT TIMES 4 PEOPLE WERE OUT MAINTAINING THE STREETS! ^{\$}20,000.00 COULD HAVE BEEN SPENT. NO ONE WILL EVER KNOW. BUT, THE CITY KNEW. IT WAS MENTIONED ABOVE THE SIGNATURE LINE ON THE REPORTS EVERY MONTH.

2. IT IS NOW KNOWN WHY THE CITY WAS SO INVOLVED IN THE CRIMINAL CASE INVOLVING ANGEL STRUNK AND DEFENDANT. THEY SUPPORTED THE PROSECUTION WITH MR. BOYDSTON AND JOSEPH LENTINE GETTING VERY CONCERNED THAT DEFENDANT WAS VERY CLOSE TO PRYING OPEN THE CHEST OF LIES.

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EXHIBIT B. cont.

2. CONT SO, THE FIX WAS DEVELOPED AND CAREFULLY EXECUTED. DEFENDANT CAN SAY NO MORE OTHER THAN THE CITY WAS SUCCESSFUL THANKS TO MR. BOYDSTON AND JOE LENTINE'S COMPLAINTS TO MS. MARTIN OF THE CITY OF CINCINNATI.

3. THE CITY STEPPED IN AGAIN WHEN DEFENDANT WROTE AN E-MAIL TO MS. MARTIN STATING THAT DOORS WERE LEFT OPEN ON STEINER AVE. ANGEL STRUNK WAS NOTIFIED BY MR. BOYDSTON WHO HAD BEEN NOTIFIED OF THE VIOLATION OF THE PROTECTION ORDER EVEN THOUGH DEFENDANT HAD PERMISSION TO BE THERE AND NO ALARMS WERE SET OFF BY E.M.U. .

MARTIN CALLED OR E MAILED BOYDSTON, BOYDSTON CALLED ANGEL OR LENTINE AND THEY REPORTED THAT ANGEL HAD "SEEN" ME AT THE RECTORY (639 STEINER) THE CITY CAME TO BOYDSTONS, LENTINE, AND STRUNKS TO HELP JUSTIFY YET ANOTHER CHARGE TO KEEP ME IN JAIL BEFORE THE TRIAL.

THE CITY COLLUDED WITH BOYDSTON. RECORDS WILL SHOW.

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EXHIBIT C

DEFENDANT CAUSES TO NEGATE MOST ALL OF THE OVER BUDGET AND PROPERTY MANAGEMENT FEE'S SUPPORTING DISMISSAL FROM JOSEPH LENTINE'S FAKE COMPANY TSO.

I. KEITH LEE IS THE MISSING LINK.

KEITH HAS ALSO BEEN CHARGED ALONG WITH JOSEPH LENTINE. LENTINE AND ANGEL STRUNK RECEIVED A PERCENTAGE OF THE FUNDS MR. LEE RECEIVED FROM PPP AND OJFS'S PUA FUND. THERE IS LITTLE DOUBT THAT SOME OF THE SAME EMPLOYEES TSO WAS USING MR. LEE WAS USING IN THE FRAUD SCHEME.

MR. LEE, AN ASSOCIATE OF MR. LENTINE MET WITH DEFENDANT IN LATE FEBRUARY 2020. WE VISITED ALL THE "FLIP" RENTAL UNITS AND WE WERE ON THE SAME PAGE AND # NUMBER ON EACH UNIT 8 IN ALL. THE RANGE THAT I MADE NOTES ON WERE FROM 3-8 THOUSAND MOST WERE IN THE 4 K. RANGE FOR HIS SERVICES. HE STATED HE AND 2 OTHER SKILLED WORKERS WOULD BE ABLE TO FINISH 5 UNITS IN UNDER 2 MONTHS AND THE OTHERS 2 MONTHS + 2 WEEKS. HE ASKED ABOUT FUNDS.

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EXHIBIT C

I. CONT.

IF WE DO THE MATH ON MR LENTINE AND HIS
BAND OF UNSKILLED AND GHOST EMPLOYEES, THE
CALCULATION IS:

A. TOTAL EXPENDITURES OVER 20 MONTHS.

A. \$ 375,000⁰⁰

B. DIVIDE BY 10 OR A BREATHTAKING
\$ 37,500⁰⁰ PER UNIT.

THAT IS THIRTY SEVEN THOUSAND FIVE HUNDRED
DOLLARS FOR EACH UNIT.

DEFENDANT WAS FORCED TO SUPPLY ALL TOOLS,
TRUCK, LAWN EQUIPMENT, CHAINSAWS, WEEDWACKERS,
BLOWERS, INSURANCE, INTERNET, OFFICE EQUIPMENT,
GAS (OVER \$ 700.00 IN ONE MONTH) PARKING FEES
DOWN TOWN.

DEFENDANT CAN WALK THROUGH WITH ANOTHER
PROFESSIONAL REHABBER AND CALCULATE WHAT
MATERIALS AND LABOR WAS EXPENDED.

DEFENDANT PRAYS THIS COURT ORDERS THE CITY AND ITS
AGENT RICHARD BOYDSTON THE BALANCE OF RENTS
COLLECTED IN 21 MONTHS, AND AWARD THE MONIES
TO DEFENDANT.

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EXHIBIT C

I. CONT. I TOLD HIM HE WOULD HAVE \$10,000.⁰⁰ PER MONTH TO BE SPENT ON LABOR + MATERIALS. HE SAID THAT WOULD BE PLENTY TO COMPLETE THE JOBS. WE BOTH AGREED THAT PLUS OR MINUS 10% FOR "WELCOME TO HISTORIC RE-HAB"? YOU NEVER KNOW WHAT YOU WILL RUN INTO.

DEFENDANT KEPT ASKING MR. LENTINE WHEN WE WOULD SEE KEITH. SOON. SOON DEFENDANT NEVER SAW "KEITH" AGAIN

BUT IF YOU RUN THE NUMBERS THAT WE BOTH FELT WERE ACCURATE THE TOTAL AMOUNT TO COMPLETE THE JOBS IN JUST OVER 4 MONTHS, AND NOT RENT THEM, BUT SELL THEM, WOULD COST ON THE HIGH-END FOR ALL UNITS WOULD HAVE BEEN \$165,000.⁰⁰ NOT OVER BUDGET OF OVER \$200,000.⁰⁰. IN ADDITION THE OVER \$175,000.⁰⁰ OF RENTAL INCOME COLLECTED AND SPENT!! IT IS ALL THERE IN BLACK AND WHITE, AND NO-ONE CARED EXCEPT THE DEFENDANT BECAUSE IT WOULD BE IMPOSSIBLE TO SPEND OVER \$375,000.⁰⁰ ON 8 OR EVEN 10 REHABS

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EXHIBIT C

I. CONT.

SO FOR EXAMPLE (BECAUSE I DON'T HAVE
ALL THE NUMBERS, THE REBATE TO DEFENDANT
WOULD BE.

* \$130,000⁰⁰ COLLECTED IN 21 MONTHS

- 65,000

* \$75,000.⁰⁰ DUE DEFENDANT

FROM FRAUDULANT OVER CHARGES.

THE OVER BUDGET AMOUNT IS MOOT. OR OWED.

SUGGESTED ORDERS

- ① MR KLOSTERMAN IS ORDERED TO PAY HAMILTON COUNTY PROPERTY TAX DEPARTMENT ALL BACK TAXES IN 60 DAYS
- ② MR KLOSTERMAN IS TO SET UP MEETING WITH THE NEW MAYOR OF CINCINNATI AND ALONG WITH A MEADIATOR WHEN THE TIME IS RIGHT AND SIGN A "SEALED SETTLEMENT"
- ③ MR. BOYDSTON IS ORDERED TO COLLECT ALL KEYS OF ALL PROPERTIES, COLLECT ALL BUSINESS RECORDS INCLUDING ALL LEASES, LICENCES, INSURANCE POLICIES, BANK PASSWORDS), CASH AND DEPOSIT THE RECORD(S) WITH THIS COURT WITHIN 48hr.
- ④ SECURE ALL TOOLS, TRUCK WHERE IT IS SAFE FROM VANDALISM.
- ⑤ PLACE A RESTRAINING ORDER AGAINST JOSEPH LENTINE FROM BEING WITHIN 1 MILE OF SEDAMSVILLE
- ⑥ PLACE ALL RENT IN ESCROW, OR HAVE A CITY REPRESENTATIVE BE AT 673 DELHI TO COLLECT RENTS AT TIME(S) POSTED ON THE DOOR OF THE OFFICE - GIVE MR. KLOSTERMANS MANAGER CONTACT NUMBER FOR RENTS AND MAINTNANCE ISSUES.

⑦ ORDER THE CITY TO FILE RELEASES ON ALL PROPERTIES
WHEN TAXES ARE PAID. EXCEPT 679 DELHI.

IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

CITY OF CINCINNATI,

: Case No. A 1905588

Plaintiff,

: Judge Wende C. Cross
vs. : Magistrate Anita P. Berding

:
: MAGISTRATE'S ORDER ON
: DEFENDANT JOHN C.
: KLOSTERMAN'S MOTIONS

vs.

JOHN KLOSTERMAN,

Defendant, et al.

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:

Before the Court is the Defendant's "Motion to Dismiss Case; Answer City Motion to Dismiss" filed January 4, 2022, which is fully briefed and ready for decision. The Court, having reviewed the motion and having reviewed the docket, denies Defendant's motion.

Pro se civil litigants "are bound by the same rules and procedures as those litigants who retain counsel." *Obasogie v. Obasogie*, 1st Dist. Hamilton No. C-17-0096, 2018 Ohio App. LEXIS 1985, AT *2 (May 9, 2018), citing *Meyers v. First Nat'l Bank*, 3 Ohio App. 3d 209, 210, 444 N.E.2d 412 (1st Dist. 1981).

The Court reviewed the "Motion to Dismiss Case; Answer City Motion to Dismiss" filed January 4, 2022, and the "City's Motion to Strike and/or Memorandum in Opposition to Defendant's Motion to Dismiss" filed January 11, 2022. This Court finds that the filing of a motion to dismiss is a nullity when filed



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post-judgment. *Stroud v. Four E Properties*, 1st Dist. Hamilton No. C-170215, 2018-Ohio-1910, ¶18. Accordingly, the “Motion to Dismiss Case; Answer City Motion to Dismiss” is hereby stricken.

IT IS SO ORDERED.



Anita P. Berding
Magistrate Anita P. Berding

NOTICE

Copies of this Order have been mailed to the parties or their counsel. This Order is effective immediately. Either party may appeal this Order by filing a Motion to Set the Order Aside within ten days of the date this Order is filed. The pendency of a Motion to Set the Order Aside does not stay the effectiveness of this Order unless the Magistrate or Judge grants a stay.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT COPIES OF THE FOREGOING ORDER HAVE BEEN
SENT BY ORDINARY MAIL TO ALL PARTIES OR THEIR ATTORNEYS AS PROVIDED
ABOVE.

Date: 2 | 11 | 22 Deputy Clerk: A. J. S.